

Date signed November 18, 2008



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:	:	
	:	
ROLANDO LALANGAN	:	Case No. 08-16298PM
EVANGELINA LALANGAN	:	Chapter 7
	:	
Debtors	:	
-----	:	
U.S. POSTAL SERVICE FCU	:	
Plaintiff	:	
vs.	:	Adversary No. 08-0709PM
	:	
ROLANDO LALANGAN	:	
EVANGELINA LALANGAN	:	
Defendants	:	
-----	:	

MEMORANDUM OF DECISION

This bankruptcy case under Chapter 7 was filed on May 6, 2008. The Meeting of Creditors held pursuant to § 341 of the Bankruptcy Code was concluded on June 12, 2008. On July 14, 2008, on the Motion of the U.S. Postal Service Federal Credit Union, the court granted an Order extending the time for filing objections to exemptions and for filing an objection to Debtors' discharge to an including September 3, 2008. The Complaint before the court, pleaded in two counts to dismiss or convert this case and to determine dischargeability of debt, was filed September 23, 2008. The Complaint is time barred.

The objection to the dischargeability of a debt under Bankruptcy Rule 4007(c) must be filed no later than 60 days after the first date set for the Meeting of Creditors under § 341(a), or within an extension procured by motion filed within that time period. While a debtor may forfeit

the benefit of the time limitation, *Kontrick v. Ryan*, 540 U.S. 443 (2004), all debtor need do is raise this issue of limitations prior to the court's reaching the merits of the objection. Debtors acted timely here and filed a motion to dismiss in lieu of an answer.

While the court extended the time for filing certain complaints to September 3, 2008, in all events, this Complaint was untimely filed. Likewise, the Complaint to dismiss or convert the case as an abuse of the provisions of Chapter 7 is similarly untimely. Under Interim Bankruptcy Rule 1017(e)(1) such a complaint must have been filed within the same period as complaints objecting to discharge or dischargeability of debts.

An appropriate order will be entered.

cc:

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End of Memorandum